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Case No.. PHD 99,088 (7790/352)

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REMARKS/DISCUSSION OF ISSUES

Priority Claim. The Applicant thanks Examiner Ahn for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

Specification. In the Non-Final Office Action, Examiner Ahn objected to the specification for various reasons. The Applicant has amended the specification herein to obviate Examiner Ahn's objections to the specification, and to correct typographical, grammatical and formatting errors. No new matter was introduced by the amendments of the specification herein. Withdrawal of the objections to the specification is therefore respectfully requested.

Drawings. In the Non-Final Office Action, Examiner Ahn objected to the FIGS. 1-6 for failing to including descriptive labels. The attached replacement informal drawing sheets 1/4, 3/4 and 4/4 includes proposed changes to FIGS. 1 and 3-6 to obviate Examiner Ahn's objections to the drawings. The Applicant respectfully asserts that FIGS. 1 and 2 are properly labeled by the drawing amendments herein, and no new matter was introduced into the drawing amendments herein. Examiner Ahn is therefore respectfully requested to approve the proposed replacement informal drawing sheets 1/4, 3/4 and 4/4.

Claims. In the Non-Final Office Action, Examiner Ahn rejected claims 1-13 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

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- A. Examiner Ahn rejected claims 1-13 under 35 U.S.C. §112, ¶2 as being indefinite

The Applicant has cancelled claims 1-13 without prejudice or disclaimer to the subject matter of claims 1-13. Withdrawal of the rejection of claims 1-13 under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

- B. Examiner Ahn rejected claims 1-5 and 8-13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,389,056 B1 to *Kanterakis* et al.

The Applicant has thoroughly considered Examiner Ahn's remarks concerning the patentability of claims 1-5 and 8-13 over *Kanterakis*. The Applicant has also thoroughly read *Kanterakis*. To warrant this anticipation rejection of claims 1-5 and 8-13, *Kanterakis* must show each and every limitation of independent claims 1 and 11-13 in as complete detail as in contained in independent claims 1 and 11-13. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 1-5 and 8-13, because *Kanterakis* fails to disclose, teach or suggest the following limitations of independent claims 1 and 11-13 in as complete detail as contained in independent claims 1 and 11-13.

1. "in that the base station (1 to 3) includes a device (21, 22) for correlating a signaling sequence transmitted by at least one terminal (4 to 14) to indicate the wish to use a contention channel and for detecting the pulse evolved from a received and correlated signaling sequence" and "in that the base station (1 to 3), after the detection of a signaling sequence, is provided for transmitting a provision message over a contention channel to be used by the assigned terminals (4 to 14)" as recited in independent claim 1;

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2. "in that the base station (1 to 3) includes a device (21, 22) for correlating a signaling sequence transmitted by at least one terminal (4 to 14) to indicate the request to use a contention channel and for detecting the pulse evolved from a received and correlated signaling sequence" and "in that, after the detection of a signaling sequence, the base station (1 to 3) is provided for transmitting a provision message over a contention channel to be used by the assigned terminals (4 to 14)" as recited in independent claim 11;

3. "the terminal (4 to 14) is provided for transmitting a signaling sequence in the case of a request for use of a contention channel and for receiving a provision message from the assigned base station (1 to 3) over a contention channel to be used after the base station (1 to 3) has detected the signaling sequence" as recited in independent claim 12; and

4. "in that a signaling sequence transmitted by at least one terminal (4 to 14) to indicate the request for use of a contention channel is correlated in the base station (1 to 3) and the peak evolving therefrom is detected" and "in that, after the detection of a signaling sequence, a provision message is transmitted by the base station (1 to 3) over a contention channel to be used by one of the assigned terminals (4 to 14)" as recited in independent claim 13.

As to the traversal, during examination, Examiner Ahn must interpret independent claims 1 and 11-13 as broadly as their terms reasonably allow. This means that the words of independent claims 1 and 11-13 must be given their plain meaning unless the Applicant has provided a clear definition in the specification. See, MPEP §2111.01.

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The Applicant respectfully asserts that the Applicant has provided a clear definition of the term "signaling sequence" as recited in independent claims 1 and 11-13. Specifically, the Applicant has defined the term "signaling sequence" as a pseudo-random square-wave signal. See, *U.S. Patent Application Serial No. 09/763,845* at page 5, lines 27-29. By comparison, *Kanterakis* teaches an access-burst signal that includes RS-preamble signals, RS-power-control signals, and RS-pilot signals. See, the abstract of *Kanterakis*. As such, the access-burst signal of *Kanterakis* does not qualify as a signaling sequence as defined by the Applicant and recited in independent claims 1 and 11-13.

While the Applicant respectfully traverses this anticipation rejection of claims 1-5 and 8-13 as shown above, the Applicant has cancelled claims 1-5 and 8-13 to obviate the indefiniteness rejection of claims 1-13 and added new claims 14-33, which recite the subject matter of cancelled claims 1-13 in accordance with §112, ¶2. The Applicant respectfully asserts that *Kanterakis* and the remaining art of record, alone or in combination, fails to disclose, teach or suggest the term "signaling sequence" as recited in claims 14-33. Withdrawal of the rejection of claims 1-5 and 8-13 under §102(e) as being anticipated by *Kanterakis*, and an allowance of new claims 14-33 are therefore respectfully requested.

- C. Examiner Ahn rejected claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,056 B1 to *Kanterakis* et al. in view of U.S. Patent No. 6,621,897 B1 to *Jung* et al.

The Applicant has cancelled claims 6 and 7 without prejudice or disclaimer to the subject matter of claims 6 and 7. Withdrawal of the rejection of dependent claims 6 and 7 under 35 U.S.C. §103(a) being unpatentable over *Kanterakis* in view of *Jung* is therefore respectfully requested.

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SUMMARY

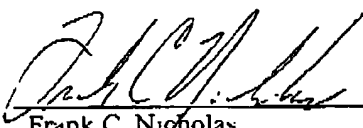
Examiner Ahn's indefinite rejection of claims 1-13 has been obviated by the cancellation of claims 1-13. Examiner Ahn's anticipation and obviousness rejections of claims 1-13 have been obviated by the remarks herein supporting an allowance of claims 1-13 over the art of record. The Applicant has supported an allowance of claims 14-33 over the art of record. The Applicant respectfully submits that claims 14-33 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Ahn is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: May 5, 2004Respectfully submitted,
Christoph Hermann, *et al.*

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